REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested in light of the following.

Claims 1, 4-6 are pending in this application. Claims 1 and 5 having been amended, Claims 2 and 3 canceled, and Claim 6 added by way of the present amendment. Support for the amendment to Claim 1 is found in original Claims 1-3. Similarly, Claims 5 and 6 find support in original Claims 5 and 2-3. Therefore, no new matter is added.

In the outstanding Office Action, Claims 1-5 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter; Claims 1, 2 and 5 were rejected under 35 U.S.C. 102(b) as being fully anticipated by Kim (U.S. Patent Publication No. 2004/0256930 A1, hereinafter "Kim"); Claims 3-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, as applied to the base claim, and in further view of the knowledge possessed by an ordinary worker in the art.

In reply, Claims 1 and 5 have been amended to adopt the language suggested in the outstanding Office Action. Therefore, it is believed that the present amendment adequately addresses the rejection under 35 U.S.C. 112, second paragraph. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

Amended Claim 1 is directed to a vibration generator that includes a bottom plate having a flat coil substrate installed thereto. The bottom plate is formed from a non-magnetic material. The magnetic plate is disposed at the side opposite to the magnet with the flat coil substrate being placed under the magnet. The thickness of the magnetic plate is configured with a predetermined area so that the force of attraction developed between the magnetic

plate and magnet will not cause a variation in clearance between the magnet and surface of the flat coil substrate even if the magnet and unbalancer are rotated.

In a non-limiting example, Fig. 8 shows such a structure in which a magnetic plate 48 is disposed under a non-magnetic plate 47. The flat coil substrate 120 is made of a stack of plurality of thin flexible wiring boards (see e.g. Page 14, first three lines).

An advantage of the present invention, is that the magnetic plate attracts the magnet towards the bottom plate to prevent the rotor from being lifted due to its own rotation (column 16, last full paragraph). This force of attraction can be adjusted based on the area of the thin magnetic plate to prevent any rotation loss being caused by excessive attraction and will prevent the rotor from being lifted due to its own rotation (last four lines of page 16, to page 17, line 1).

Claim 1 (which includes the features of Claims 2 and 3, now canceled,) stands rejected as being obvious over Kim. The outstanding Office Action asserts that Kim discloses all of the features of original Claim 1, and also inherently discloses the attraction of the magnet to the flat coil substrate so as to not cause a variation in clearance between the magnet and the surface of the flat coil even if the magnet and unbalance are rotated. Applicants respectfully traverse the rejection.

As an initial matter, amended Claim 1 requires a bottom plate that is formed of a nonmagnetic material. The outstanding Office Action asserts that Item 16 in Kim is a plate. However in Kim, 16 is an insulating stator that has a U-shaped cross-section as shown in the cover figure. As such, this stator is not a "plate", as claimed. Likewise, Claim 1 requires a flat coil substrate. On the other hand, [0040] and [0041] of Kim explain that field coils C1, C2 and C3 are made of fine diameter conducting wires that are molded into the insulating stator 16 by insertion molding.[1] As such, it is respectfully submitted that the winding of

[1] It is not logical to say that a coil is molded "into" a plate.

wires, followed by injection insertion molding "into" an insulating stator, does not correspond to the claimed bottom plate having a flat coil substrate installed thereto.

Furthermore, Applicants traverse the assertion that Kim "inherently" discloses the establishment of a magnetic plate having a predetermined area such that the force of attraction developed between the magnetic plate and the magnet will not cause a variation in clearance between the magnet and the surface of the flat coil substrate even if the magnet and unbalancer are rotated. Instead, it is Applicants' observation of the interaction between the rotating magnet and the lifting thereof as described in the specification (see, e.g., page 16 generally). It was Applicants' observation that by adjusting the amount of area of the magnetic plate it is possible to "set freely and easily a force of attraction which will prevent any rotation loss from being caused by an excessive attraction of the rotor 80 and will prevent the rotor 80 from being lifted due to its own rotation" (page 16, last four lines to page 17, line 1).

The USPTO has the burden of creating a *prima facie* case of obviousness, which includes identifying in the prior art references all of the elements of the claimed invention. It is respectfully submitted that the USPTO has not met its burden, as Kim does not disclose the bottom plate nor the flat coil substrate as claimed. Furthermore, Applicants traverse the assertion that Kim "inherently" teaches the last feature in Claim 1. Inherency requires that the alleged product describing the "inherent" property, must necessarily provide that function. This is not the case in Kim. Kim neither teaches nor suggests the relationship between the magnet and magnetic plate in combination with the variation between the magnet and the surface of the flat coil substrate when the magnet and the unbalancer are rotated. Consequently, it is respectfully submitted that Kim does not inherently disclose the features of original Claim 3, which are now incorporated into amended Claim 1.

Although of differing statutory class, and/or skill, it is respectfully submitted that amended Claim 5 and new Claim 6 also patentably define over Kim for substantially the same reasons as discussed above with regard to amended Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 4-6, as amended, is definite and patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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